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November 22, 2024

**VIA ECF**

Honorable Jennifer E. Willis  
United States Magistrate Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: Brandon A. Covial v. Marvin Francillon, et al.,  
24 Civ. 4817 (PAE) (JW)

Your Honor:

I am a Senior Counsel in the New York City Law Department and the attorney representing defendant the City of New York ("City") in this matter. While this office does not represent defendant Marvin Francillon, I write to respectfully request the Court to *sua sponte* extend his time to answer or otherwise respond to the Complaint until January 19, 2025. According to the ECF docket, Officer Francillon was served with process on November 5, 2024, making his response currently due on November 26, 2024. (See ECF Dkt. 17)

Given the time involved in determining the representation of an employee of the New York City Police Department, and in the interest of judicial economy, we hope that the court may, *sua sponte* grant Officer Francillon an extension of time to answer or otherwise respond to the operative pleading in this matter until January 19, 2025, matching the City's deadline. (ECF Dkt. 16)

By way of background, Plaintiff filed this action on April 24, 2024, alleging violations of his First Amendment rights arising from two incidents in May 2021. (ECF Dkt. 1) Specifically, Plaintiff alleges he was wrongfully arrested while filming inside a United States Post Office at 335 14th Street and the Seward Public Library at 192 E Broadway. (*Id.*) The case was subsequently transferred to this district on June 25, 2024. (ECF Dkt. 3) According to the Marshal's Process Receipt and Return of Service, Officer Francillon was served on November 5, 2024, making his response due November 26, 2024. (ECF Dkt. 17) This office, however, has not discussed with Officer Francillon the manner of service and we make no representation herein as to the adequacy of service upon him. Assuming that Officer Francillon was properly served, this enlargement may also allow this office time to conduct an inquiry to determine whether it will represent him in this action. See General Municipal Law § 50(k); Mercurio v. City of New York,

et al., 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law). In the event that this office does undertake Officer Francillon's representation, the requested extension of time will allow this office to submit a single response to the Complaint on behalf of all defendants rather than potentially interposing responses thereto on separate dates. The extension would also afford Officer Francillon the appropriate time in the event representation is declined.

Given the time involved in determining the representation of an employee of the New York City Police Department, and in the interest of judicial economy, we respectfully request that the Court, *sua sponte*, extend Officer Francillon's time to respond to match the City's current deadline of January 19, 2025, previously granted by the Court. (See ECF Dkt. 16)

Defendant City thanks the Court for its time and attention to this matter.

Respectfully Submitted,

Joseph Zangrilli /s/

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cc: **VIA FIRST CLASS MAIL**

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GRANTED. The Court, having granted the extension request filed by defendant City of New York, Dkt. 16, accordingly grants defendant Marvin Francillon a similar extension. Defendant Francillon's answer is due January 19, 2025.

Plaintiff is directed to serve the remaining named officer defendants by December 3, 2024. If plaintiff timely serves defendants Thomas Walsh, Thomas Gugliome, and Vincent Lee, their answers are due January 19, 2025.

SO ORDERED.



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PAUL A. ENGELMAYER  
United States District Judge

November 26, 2024  
New York, New York